

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 20, 2005

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Werk, absent and formally excused by the Chair; and Senators Cameron, Noble, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessica Pfeiffer, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 19, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Cameron and Stennett were recorded present at this order of business.

SCR 101

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE THE CONSTRUCTION OF A NEW OFFICE BUILDING AT 514 W. JEFFERSON, TO BE KNOWN AS THE CAPITOL ANNEX, INCLUDING DEMOLITION OF ANY EXISTING STRUCTURES OR IMPROVEMENTS ON THE PROPERTY AND CONSTRUCTION OF AN ACCESS TUNNEL,

EXPRESSING LEGISLATIVE INTENT, AND CONSTITUTING AUTHORIZATION REQUIRED BY THE PROVISIONS OF SECTION 67-6410, IDAHO CODE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the state of Idaho acquired the real property and improvements (the former Ada County Courthouse building) located at 514 W. Jefferson, Boise, Idaho, on December 21, 1999;

WHEREAS, since construction began on the Idaho Capitol Building in 1905, the population of the state of Idaho has grown by almost 500%, from approximately 240,000 to approximately 1.4 million people, and the space needs of the state elected officials, the legislature and the judiciary have outgrown the Capitol Building;

WHEREAS, the Capitol Building is not configured to provide adequate legislative hearing rooms, and that members of the public frequently are not able to obtain physical access to standing committee and other legislative meetings, and that the property at 514 W. Jefferson can be utilized to address such space needs;

WHEREAS, current legislative hearing rooms in the Capitol Building often do not allow for public access in accordance with fire, safety, and security standards, and that the property at 514 W. Jefferson can be utilized to address such fire, safety and security needs;

WHEREAS, a new Capitol Annex office building at 514 W. Jefferson could be used to address the space needs of the legislature, the judiciary, and state agencies, and could provide adequate hearing rooms for use by the legislature and accommodate participation in the legislative process by Idaho's citizens;

WHEREAS, a new Capitol Annex office building at 514 W. Jefferson could serve as a cost-effective and convenient temporary location to house occupants of the Capitol Building during a Capitol restoration;

WHEREAS, the Idaho State Building Authority is authorized by Section 67-6409, Idaho Code, to provide for the construction, reconstruction, improvement, alteration or repair of state facilities subject to prior approval by the legislature by concurrent resolution pursuant to Section 67-6410, Idaho Code;

WHEREAS, the Department of Administration is charged with the management of multiagency office space constructed through the Idaho State Building Authority, and is directed to operate any property acquired for the Capitol Mall.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the legislature hereby authorizes and provides approval for the Department of Administration to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the construction of a new office building, to be known as the Capitol Annex, at 514 W. Jefferson, including demolition of any existing structures or improvements on the property, and the construction of an access tunnel under 6th Street connecting the Capitol Annex to the Capitol Building.

BE IT FURTHER RESOLVED that it is legislative intent in providing this authorization and approval that:

(1) The legislature shall determine the use and allocation of space on the first and second floors of the new office building, to be known as the Capitol Annex; and

(2) The design and configuration of such interior space on the first and second floors of the new Capitol Annex building shall be developed in cooperation with, and subject to the approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives or their designee(s); and

(3) The design of the new Capitol Annex building shall include a minimum of four large hearing rooms on the first floor, easily accessible to the public and suitable to be used as legislative hearing rooms; and

(4) The Department of Administration shall solicit at large, proposed architectural designs for the new building to be known as the Capitol Annex; and

(5) The final design for the Capitol Annex that is selected from the submitted proposals will satisfy the functional needs of the legislature and state agencies as well as being compatible in style and architectural design so as to be situated adjacent to the State Capitol and a central focal point of the Capitol Mall; and

(6) All reasonable and practicable steps be taken to ensure that the construction and occupancy of a new Capitol Annex be scheduled and coordinated with the restoration of Idaho's Capitol building so as to allow occupants of the Capitol Building to be relocated into the Capitol Annex during the Capitol restoration.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.

SCR 102

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE THE REMODEL AND CONSTRUCTION OF AN ADDITION TO THE FORMER ADA COUNTY COURTHOUSE, AT 514 W. JEFFERSON, INCLUDING CONSTRUCTION OF AN ACCESS TUNNEL, EXPRESSING LEGISLATIVE INTENT, AND CONSTITUTING AUTHORIZATION REQUIRED BY THE PROVISIONS OF SECTION 67-6410, IDAHO CODE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the state of Idaho acquired the real property and improvements (the former Ada County Courthouse building) located at 514 W. Jefferson, Boise, Idaho, on December 21, 1999;

WHEREAS, since construction began on the Idaho Capitol Building in 1905, the population of the state of Idaho has grown by almost 500%, from approximately 240,000 to approximately 1.4 million people, and the space needs of the state elected officials, the legislature and the judiciary have outgrown the Capitol Building;

WHEREAS, the Capitol Building is not configured to provide adequate legislative hearing rooms, and that members of the public frequently are not able to obtain physical access to standing committee and other legislative meetings, and that the property at 514 W. Jefferson can be utilized to address such space needs;

WHEREAS, current legislative hearing rooms in the Capitol Building often do not allow for public access in accordance with fire, safety and security standards, and that the property at 514 W. Jefferson can be utilized to address such fire, safety and security needs;

WHEREAS, a remodeled building and addition at 514 W. Jefferson could be used to address the space needs of the legislature, the judiciary, and state agencies, and could provide adequate hearing rooms for use by the legislature and accommodate participation in the legislative process by Idaho's citizens;

WHEREAS, a remodeled building and addition at 514 W. Jefferson could serve as a cost-effective and convenient temporary location to house occupants of the Capitol Building during a Capitol restoration;

WHEREAS, the Idaho State Building Authority is authorized by Section 67-6409, Idaho Code, to provide for the construction, reconstruction, improvement, alteration or repair of state facilities subject to prior approval by the legislature by concurrent resolution pursuant to Section 67-6410, Idaho Code;

WHEREAS, the Department of Administration is charged with the management of multiagency office space constructed through the Idaho State Building Authority, and is directed to operate any property acquired for the Capitol Mall.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the legislature hereby authorizes and provides approval for the Department of Administration to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the remodel and construction of an addition to the former Ada County Courthouse building, at 514 W. Jefferson, including the construction of an access tunnel under 6th Street connecting the remodeled building and addition to the Capitol Building.

BE IT FURTHER RESOLVED that it is legislative intent in providing this authorization and approval that:

(1) The new addition and remodeled building will be known as the Capitol Annex; and

(2) The legislature shall determine the use and allocation of space on the first and second floors of the Capitol Annex; and

(3) The design and configuration of such interior space on the first and second floors of the remodeled Capitol Annex building shall be developed in cooperation with, and subject to the approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives or their designee(s); and

(4) The design of the remodeled Capitol Annex building shall include a minimum of four large multipurpose hearing rooms on the first floor, easily accessible to the public and suitable to be used as legislative hearing rooms; and

(5) All reasonable and practicable steps be taken to ensure that the construction and occupancy of the remodeled Capitol Annex building be scheduled and coordinated with the restoration of Idaho's Capitol Building so as to allow occupants of the Capitol Building to be relocated into the Capitol Annex during the Capitol restoration.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.

SCR 101 and SCR 102 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 20, 2005

The JUDICIARY AND RULES Committee reports that **S 1025, S 1026, S 1027, S 1028, S 1029, S 1030, and S 1031** have been correctly printed.

DARRINGTON, Chairman

S 1025, S 1026, S 1027, and S 1029 were referred to the Finance Committee.

S 1028 was referred to the Education Committee.

S 1030 and S 1031 were referred to the Commerce and Human Resources Committee.

January 19, 2005

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Anna Jane Dressen to the Commission of Pardons and Parole, term to expire January 1, 2008.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 20, 2005

The FINANCE Committee reports out **S 1025, S 1026, S 1027, and S 1029** with the recommendation that they do pass.

CAMERON, Chairman

S 1025, S 1026, S 1027, and S 1029 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 19, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that R. D. Maynard of Meridian, Idaho, was appointed as a member of the Idaho Industrial Commission to serve a term commencing January 13, 2005, and expiring January 13, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 19, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Neil J. Miller of Blackfoot, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing January 31, 2005, and expiring January 31, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

January 19, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Tibbs of Boise, Idaho, was appointed as a member of the Idaho State Board of Correction to serve a term commencing January 10, 2005, and expiring January 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1032

BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE THAT THE TAKING OF ANY BIG GAME ANIMAL DURING A CLOSED SEASON SHALL BE CONSIDERED A FLAGRANT VIOLATION OF THE LAW AND TO MAKE A TECHNICAL CORRECTION.

S 1033

BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE IDAHO DEPARTMENT OF FISH AND GAME TO REDUCE THE BAG LIMIT OR POSSESSION LIMIT FOR A SPECIES UNDER CERTAIN CIRCUMSTANCES.

S 1034

BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO THE COMPREHENSIVE STATE WATER PLAN; RATIFYING AND APPROVING THE AMENDED COMPREHENSIVE STATE WATER PLAN FOR THE PRIEST RIVER BASIN AS ADOPTED BY THE IDAHO WATER RESOURCE BOARD ON AUGUST 22, 2003; AND DECLARING AN EMERGENCY.

S 1035

BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO THE COMPREHENSIVE STATE WATER PLAN; RATIFYING AND APPROVING THE COMPREHENSIVE STATE WATER PLAN FOR THE SOUTH FORK CLEARWATER RIVER BASIN AS ADOPTED BY THE IDAHO WATER RESOURCE BOARD ON JUNE 8, 2004, TO PROVIDE FOR DESIGNATION OF STATE NATURAL RIVERS, TO PROVIDE FOR DESIGNATION OF STATE RECREATIONAL RIVERS, AND TO PROVIDE FOR EXCEPTIONS TO APPLY TO THE DESIGNATED RECREATIONAL RIVERS; AND DECLARING AN EMERGENCY.

S 1036

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-237B, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO THE MEDICAL COSTS OF STATE PRISONERS HOUSED IN CORRECTIONAL FACILITIES.

S 1037

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE TO CONDUCT CRIMINAL HISTORY BACKGROUND CHECKS; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1004A, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND WELFARE TO CONDUCT CRIMINAL HISTORY BACKGROUND CHECKS ON INDIVIDUALS AND DEPARTMENT EMPLOYEES WHO PROVIDE CARE OR SERVICES THAT ARE FINANCIALLY SUPPORTED, LICENSED OR CERTIFIED BY THE DEPARTMENT, TO SPECIFY PROCEDURES, TO SPECIFY REQUIREMENTS FOR DISCLOSURE BY THE APPLICANT, TO PROVIDE REVIEW, TO GOVERN DISCLOSURE AND IMMUNITY AND TO LIMIT PURPOSES OF THE BACKGROUND CHECK.

S 1038

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CRIME VICTIM COMPENSATION BENEFITS; AMENDING SECTION 72-1019, IDAHO CODE, TO INCREASE BENEFIT AMOUNTS, TO PROVIDE FOR THE PAYMENT OF BENEFITS FOR CREMATION EXPENSES AND ACTUAL EXPENSES OF TRANSPORTATION OF THE VICTIM'S BODY, TO EXPAND THE ELIGIBILITY FOR BENEFITS PAID AS A RESULT OF CRIMINALLY INJURIOUS CONDUCT AND TO MAKE TECHNICAL CHANGES.

S 1039

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CONDOMINIUMS; AMENDING SECTION 55-1512, IDAHO CODE, TO PROVIDE FOR SERVICE OF PROCESS UPON A MANAGEMENT BODY OF A CONDOMINIUM DEVELOPMENT THAT HAS BEEN INCORPORATED.

S 1040

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE RIGHTS OF A JUDGMENT CREDITOR AGAINST A MEMBER OF A LIMITED LIABILITY COMPANY; AMENDING SECTION 53-637, IDAHO CODE, TO PROVIDE THAT THE CHARGING ORDER IS THE EXCLUSIVE REMEDY BY WHICH A JUDGMENT CREDITOR OF THE MEMBER OR TRANSFEREE MAY SATISFY A JUDGMENT AGAINST THE MEMBER'S INTEREST IN A LIMITED LIABILITY COMPANY.

S 1041

BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT; REPEALING CHAPTER 2, TITLE 53, IDAHO CODE; AMENDING TITLE 53, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 2, TITLE 53, IDAHO CODE, TO PROVIDE FOR THE UNIFORM LIMITED PARTNERSHIP

ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR KNOWLEDGE AND NOTICE, TO PROVIDE FOR NATURE, PURPOSE AND DURATION OF ENTITIES, TO SET FORTH POWERS, TO PROVIDE GOVERNING LAW, TO PROVIDE SUPPLEMENTAL PRINCIPLES OF LAW, TO PROVIDE A RATE OF INTEREST, TO PROVIDE FOR NAMES AND RESERVATION OF NAMES, TO SET FORTH EFFECT OF PARTNERSHIP AGREEMENTS, TO PROVIDE NONWAIVABLE PROVISIONS, TO SET FORTH REQUIRED INFORMATION, TO PROVIDE FOR BUSINESS TRANSACTIONS OF PARTNERS WITH A PARTNERSHIP, TO PROVIDE FOR DUAL CAPACITY, TO PROVIDE FOR OFFICES AND AGENTS FOR SERVICE OF PROCESS, TO PROVIDE FOR CHANGES OF DESIGNATED OFFICES OR AGENTS FOR SERVICE OF PROCESS, TO PROVIDE FOR THE RESIGNATION OF AGENTS FOR SERVICE OF PROCESS, TO PROVIDE FOR SERVICE OF PROCESS, TO PROVIDE FOR CONSENT AND PROXIES OF PARTNERS, TO PROVIDE FOR THE FORMATION OF LIMITED PARTNERSHIPS AND CERTIFICATES OF LIMITED PARTNERSHIPS, TO PROVIDE FOR AMENDMENT OR RESTATEMENT OF CERTIFICATES, TO PROVIDE FOR STATEMENTS OF TERMINATION, TO PROVIDE FOR THE SIGNING OF RECORDS, TO PROVIDE FOR SIGNING AND FILING PURSUANT TO A JUDICIAL ORDER, TO PROVIDE FOR DELIVERY TO AND FILING OF RECORDS BY THE SECRETARY OF STATE, TO SET FORTH EFFECTIVE TIMES AND DATES, TO PROVIDE FOR CORRECTING FILED RECORDS, TO PROVIDE FOR LIABILITY FOR FALSE INFORMATION IN FILED RECORDS, TO PROVIDE FOR CERTIFICATES OF EXISTENCE OR AUTHORIZATION, TO PROVIDE FOR ANNUAL REPORTS FOR THE SECRETARY OF STATE, TO SET FORTH PROVISIONS APPLICABLE TO BECOMING A LIMITED PARTNER, TO LIMIT THE RIGHT OR POWER TO BIND LIMITED PARTNERSHIP, TO LIMIT LIABILITY, TO PROVIDE FOR THE RIGHT TO INFORMATION, TO SET FORTH LIMITED DUTIES OF LIMITED PARTNERS, TO SET FORTH PROVISIONS APPLICABLE TO PERSONS WHO ERRONEOUSLY BELIEVE THEMSELVES TO BE A LIMITED PARTNER, TO SET FORTH PROVISIONS APPLICABLE TO BECOMING A GENERAL PARTNER, TO PROVIDE FOR A GENERAL PARTNER AGENT, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR ACTIONS BY AND AGAINST PARTNERSHIPS AND PARTNERS, TO PROVIDE FOR MANAGEMENT RIGHTS, TO PROVIDE FOR THE RIGHT TO INFORMATION, TO SET FORTH GENERAL STANDARDS OF CONDUCT, TO PROVIDE FOR FORMS OF CONTRIBUTION, TO PROVIDE FOR LIABILITY FOR CONTRIBUTION, TO PROVIDE FOR THE SHARING OF DISTRIBUTIONS, TO PROVIDE FOR INTERIM DISTRIBUTIONS, TO LIMIT THE RIGHT TO RECEIVE DISTRIBUTIONS, TO PROVIDE FOR DISTRIBUTIONS IN KIND, TO PROVIDE FOR THE RIGHT TO DISTRIBUTION, TO SET FORTH LIMITATIONS ON DISTRIBUTIONS, TO PROVIDE FOR LIABILITY FOR IMPROPER DISTRIBUTIONS, TO PROVIDE FOR DISSOCIATION OF PERSONS AS LIMITED PARTNERS, TO

SET FORTH THE EFFECT OF DISSOCIATION, TO PROVIDE FOR DISSOCIATION OF PERSONS AS GENERAL PARTNERS, TO PROVIDE FOR A PERSON'S POWER TO DISSOCIATE AS GENERAL PARTNER, TO PROVIDE FOR WRONGFUL DISSOCIATION, TO SET FORTH THE EFFECT OF DISSOCIATION, TO PROVIDE FOR THE POWER TO BIND AND LIABILITY TO LIMITED PARTNERSHIPS BEFORE DISSOLUTION OR DISSOCIATION, TO PROVIDE FOR A PARTNER'S TRANSFERABLE INTEREST, TO PROVIDE FOR TRANSFER OF A PARTNER'S TRANSFERABLE INTEREST, TO PROVIDE RIGHTS OF CREDITORS, TO PROVIDE POWER OF ESTATE OF DECEASED PARTNER, TO PROVIDE FOR NONJUDICIAL DISSOLUTION, TO PROVIDE FOR JUDICIAL DISSOLUTION, TO PROVIDE FOR WINDING UP OF THE PARTNERSHIP, TO PROVIDE FOR THE POWER OF CERTAIN PERSONS TO BIND PARTNERSHIP AFTER DISSOLUTION, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR KNOWN AND OTHER CLAIMS AGAINST A DISSOLVED LIMITED PARTNERSHIP, TO PROVIDE FOR LIABILITY OF CERTAIN PERSONS WHEN CLAIMS AGAINST A LIMITED PARTNERSHIP ARE BARRED, TO PROVIDE FOR ADMINISTRATIVE DISSOLUTION, TO PROVIDE FOR REINSTATEMENT, TO PROVIDE FOR APPEALS FROM A DENIAL OF REINSTATEMENT, TO PROVIDE FOR THE DISPOSITION OF ASSETS, TO SET FORTH WHEN CONTRIBUTIONS ARE REQUIRED, TO SET FORTH GOVERNING LAW FOR FOREIGN LIMITED PARTNERSHIPS, TO PROVIDE FOR APPLICATION FOR CERTIFICATES OF AUTHORITY, TO SET FORTH ACTIVITIES NOT CONSTITUTING TRANSACTING BUSINESS, TO PROVIDE FOR THE FILING OF CERTIFICATES OF AUTHORITY, TO PROVIDE FOR NONCOMPLYING NAMES OF FOREIGN LIMITED PARTNERSHIPS, TO PROVIDE FOR REVOCATION OF CERTIFICATES OF AUTHORITY, TO PROVIDE FOR CANCELLATION OF CERTIFICATES OF AUTHORITY, TO SET FORTH THE EFFECT OF A FAILURE TO HAVE A CERTIFICATE, TO PROVIDE FOR ACTION BY THE ATTORNEY GENERAL, TO PROVIDE FOR DIRECT ACTION BY A PARTNER, TO PROVIDE FOR DERIVATIVE ACTIONS, TO IDENTIFY PROPER PLAINTIFFS, TO PROVIDE FOR PLEADINGS, TO PROVIDE FOR PROCEEDS AND EXPENSES, TO DEFINE TERMS RELATING TO CONVERSIONS AND MERGERS, TO PROVIDE FOR CONVERSION, TO PROVIDE FOR ACTION ON PLANS OF CONVERSION, TO SET FORTH FILINGS REQUIRED FOR CONVERSION, TO PROVIDE EFFECTIVE DATE OF PLANS, TO SET FORTH THE EFFECT OF CONVERSION, TO PROVIDE FOR MERGERS, TO PROVIDE FOR ACTION ON PLANS OF MERGER, TO SET FORTH FILINGS REQUIRED FOR MERGERS, TO PROVIDE EFFECTIVE DATE OF PLANS, TO SET FORTH THE EFFECT OF MERGER, TO SET FORTH RESTRICTIONS ON APPROVAL OF CONVERSIONS, MERGERS AND ON RELINQUISHING CERTAIN STATUS, TO PROVIDE FOR LIABILITY AFTER CONVERSION OR MERGER, TO PROVIDE FOR THE POWER OF CERTAIN

PERSONS TO BIND AN ORGANIZATION AFTER CONVERSION OR MERGER, TO PROVIDE FOR NONEXCLUSIVITY, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR SEVERABILITY, TO SET FORTH PROVISIONS APPLICABLE TO RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, TO PROVIDE FOR APPLICATION TO EXISTING RELATIONSHIPS AND TO PROVIDE A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

S 1032, S 1033, S 1034, S 1035, S 1036, S 1037, S 1038, S 1039, S 1040, and S 1041 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1024, by Finance Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 21, 2005.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary